

# HOUSE BILL No. 1329

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 2-7.

**Synopsis:** Lobbyist code of conduct. Establishes standards of conduct for legislative lobbyists. Authorizes the Indiana lobby registration commission (commission) to adopt rules to implement and enforce the standards of conduct. Authorizes a legislative person to file a complaint alleging that a lobbyist has violated the standards. Authorizes the commission to impose certain sanctions on a lobbyist if the commission finds the lobbyist has violated the standards. Makes conforming changes in the lobbyist registration statute.

**Effective:** July 1, 2014.

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January 15, 2014, read first time and referred to Committee on Rules and Legislative Procedures.

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Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1329

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 2-7-5-6, AS AMENDED BY P.L.172-2011,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2014]: Sec. 6. The following persons may not be registered as  
4 a lobbyist under this article:  
5 (1) Any individual convicted of a felony for violating any law  
6 while the individual was an officer or employee of any agency of  
7 state government or a unit of local government.  
8 (2) Any person convicted of a felony relating to lobbying.  
9 (3) Any person convicted of a felony and who:  
10 (A) is in prison;  
11 (B) is on probation; or  
12 (C) has been in prison or on probation within the immediate  
13 past one (1) year.  
14 (4) Any person whose:  
15 (A) statement or report required to be filed under this article  
16 was found to be materially incorrect as a result of a



- 1 determination under IC 2-7-6-5; and  
 2 (B) who has not filed a corrected statement or report for that  
 3 year when requested to do so by the commission.  
 4 (5) Any person who has failed to pay a civil penalty assessed  
 5 under IC 2-7-6-5.  
 6 (6) Any person who is on the most recent tax warrant list supplied  
 7 to the commission by the department of state revenue until:  
 8 (A) the person provides a statement to the commission  
 9 indicating that the person's tax warrant has been satisfied; or  
 10 (B) the commission receives a notice from the commissioner  
 11 of the department of state revenue under IC 6-8.1-8-2(k).  
 12 **(7) Any person upon whom the commission has imposed a**  
 13 **sanction under IC 2-7-8-9(a)(4), during the period to which**  
 14 **the sanction applies.**

15 SECTION 2. IC 2-7-6-1 IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a) Subject to subsection (b),**  
 17 the attorney general and the applicable prosecuting attorney jointly or  
 18 severally are responsible for investigating alleged or suspected  
 19 violations and enforcing the provisions of this article. ~~and~~; In addition  
 20 to the powers ~~heretofore~~ **otherwise** granted ~~him~~ **to the attorney**  
 21 **general** by law, the attorney general has the powers of the prosecuting  
 22 attorney of each county for the purpose of enforcing the provisions of  
 23 this article.

24 **(b) Only the commission may enforce the provisions of IC 2-7-8.**  
 25 **However, the attorney general, at the commission's request, shall**  
 26 **provide assistance to, or represent the commission in, the**  
 27 **commission's enforcement of IC 2-7-8.**

28 SECTION 3. IC 2-7-8 IS ADDED TO THE INDIANA CODE AS  
 29 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
 30 1, 2014]:

31 **Chapter 8. Lobbyist Standards of Conduct**

32 **Sec. 1. As used in this chapter, "standards of conduct" refers to**  
 33 **the standards of conduct set forth in this chapter and in the rules**  
 34 **adopted by the commission under section 7 of this chapter.**

35 **Sec. 2. A lobbyist shall act with honesty and integrity while**  
 36 **lobbying.**

37 **Sec. 3. A lobbyist shall comply fully with all laws and rules**  
 38 **applicable to the lobbyist.**

39 **Sec. 4. A lobbyist shall comply with IC 2-7-5-10 relating to**  
 40 **conflicts of interest.**

41 **Sec. 5. A lobbyist shall engage in lobbying in a professional**  
 42 **manner.**



1       **Sec. 6. A lobbyist shall vigorously and diligently advance and**  
 2 **advocate the interests of the lobbyist's client or employer.**

3       **Sec. 7. The commission may adopt rules for implementation and**  
 4 **interpretation of the standards of conduct set forth in this chapter.**

5       **Sec. 8. (a) A legislative person may file a complaint with the**  
 6 **commission alleging that a lobbyist has violated the standards of**  
 7 **conduct.**

8       **(b) Subject to this section, IC 2-7-7 applies to the disposition of**  
 9 **a complaint filed under this section.**

10       **(c) For purposes of IC 5-14-1.5, all hearings conducted by the**  
 11 **commission relating to a complaint are confidential, except a**  
 12 **meeting at which the commission imposes a sanction other than a**  
 13 **private reprimand.**

14       **(d) For purposes of IC 5-14-3, all documents relating to a**  
 15 **complaint, except the commission's disposition of the complaint,**  
 16 **are confidential.**

17       **Sec. 9. (a) If the commission finds that a lobbyist has violated**  
 18 **the standards of conduct, the commission may impose any of the**  
 19 **following sanctions:**

20       **(1) A private reprimand.**

21       **(2) A public reprimand.**

22       **(3) Suspension of a lobbyist's registration for a period set**  
 23 **forth in the commission's order of sanction. A suspension of**  
 24 **a lobbyist's registration may be only for a period that is not**  
 25 **greater than one hundred twenty (120) days. A lobbyist whose**  
 26 **registration has been suspended under this subdivision may**  
 27 **not engage in lobbying during the period of the suspension.**

28       **(4) Revocation of a lobbyist's registration for a period set**  
 29 **forth in the commission's order of sanction. The revocation**  
 30 **period may not be greater than three hundred sixty-five (365)**  
 31 **days. A lobbyist whose registration has been revoked under**  
 32 **this subdivision may not engage in lobbying during the period**  
 33 **of the revocation.**

34       **(b) The affirmative vote of all four (4) commission members is**  
 35 **required to impose a sanction described in subsection (a)(4).**

36       **(c) The following are considered to have violated IC 2-7-2:**

37       **(1) A person who engages in lobbying activities during a**  
 38 **period of suspension of the lobbyist's registration under**  
 39 **subsection (a)(3).**

40       **(2) A person who engages in lobbying activities during a**  
 41 **period of revocation of the lobbyist's registration under**  
 42 **subsection (a)(4).**



1       (d) A sanction imposed under this section affects only the ability  
2 of the person sanctioned to engage in lobbying but does not  
3 prohibit the person from exercising any personal rights under the  
4 Constitution of the United States or the Constitution of the State of  
5 Indiana.

